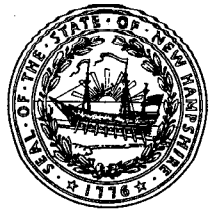




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-49

August 26, 2004

Norman Boyer
63 Neal Shore Road
Meredith, NH 03253

RE: DES Wetlands File #2003-01346, 63 Neal Shore Road, Meredith Tax Map U1, Lot 38

Dear Mr. Boyer:

On June 16, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property located at 63 Neal Shore Road, more specifically referenced on Town of Meredith Tax Map U1 as Lot 38 (the "Property"). The inspection was conducted in response to a complaint that the docks installed on the Property exceed the permitted dimensions and that 2 small jet ski docks are installed on the Property without a permit from DES. The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A, NH Wetlands Law and NH Code of Admin. Rules Wt 100-700. The following permits have been issued for surface water and shoreline impacts on the Property:

1. On May 12, 1987, Wetlands Permit #B-1562 was issued for the installation of a 6' x 40' pier with two tie off pilings on the Property.
2. On March 14, 1991, Wetlands Permit #88-693 was issued for the installation of a 6' x 30' piling supported pier located 12' south of the existing 6' x 40' pier on the Property.
3. On October 5, 1993, Wetlands Permit #1993-474 was issued for 240 square feet of dredge between the 6' x 30' piling supported pier and the 6' x 40' pier on the Property.

During the inspection the following deficiencies were documented:

1. A wooden jet ski ramp was installed along 11' 2" of shoreline adjacent to northerly pier without a permit from DES. The jet ski ramp is located 12' 9" from the northerly property line.
2. Two permanent piers were installed 13' 3" apart, which is 1' 3" further apart than authorized by Permit #88-693. The northerly pier extends 50' 2" from normal high water, which is 10' 2" longer than authorized by Permit #B-1562 and the southerly pier extends 52' 2" from normal high water, which is 22' 2" longer than authorized by Permit #88-693.

On July 1, 2003, DES personnel sent you a letter informing you that a complaint had been submitted to DES regarding the dimensions of the docking facility and the jet ski ramp. In this letter DES personnel requested a response to the complaint. On July 7, 2003, you met with DES personnel to discuss the issues on the Property and agreed to file an after the fact Standard Dredge and Fill application to retain the piers in their current dimensions and relocate the jet ski ramp. To date, DES has not received the after the fact application.

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In response, you are requested to take the following actions:

1. Within 20 days of the date of this letter either:

- a) Restore both piers to the permitted locations and dimensions and remove the jet ski ramp; or,
- b) Submit an after-the-fact Standard Dredge and Fill application to retain the piers in their current location and dimensions and relocate the jet ski ramp to a location greater than 20' from either property line.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



D. Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL # 7099 3400 0003 0696 0565

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Meredith Conservation Commission
Meredith Board of Selectmen
USACOE